IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.42994-M of 2006

DATE OF DECISION:13.02.2007

Kailash Chand Aggarwal .....Petitioner

Versus

Ishwar Chand Grover .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri N.K. Sanghi, Advocate
for the petitioner.

Shri Lokesh Sinhal, Advocate
for the respondent.

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The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the summoning order dated 22.4.2006 (Annexure P-1) and Criminal complaint dated 18.10.2005 (Annexure P-2) and all subsequent proceedings arising thereto.

Counsel for the respondent has placed on record the affidavit of the respondent along with a copy of the compromise arrived at between the parties. An affidavit of the petitioner has also been placed on record. All the three documents have been taken on record as Annexures C-1 to C-3. Both the parties are present in Court today.

In the compromise, it has been stated that five complaints bearing No. 1455/S, 1456/S, 1457/S, 1458/S, 1459/S under Section 138 of the Negotiable Instruments Act made by petitioner-Kailash Chand Aggarwal are pending in the Court of Metropolitan Magistrate, Esplanade, Mumbai (Maharashtra). The impugned complaint dated 18.10.2005 was filed by Ishwar Chand Grover-respondent against the petitioner on the allegations that some interpolation was made in the bailable warrants

issued by the Mumbai Court. Now both the parties have arrived at a written compromise.

In view of the said compromise, the petitioner has agreed to withdraw all the criminal complaints pending in the Court of Metropolitan Magistrate, Esplanade, Mumbai (Maharashtra) after receiving an amount of Rs.1,00000/-. The amount of Rs.1 lac has been paid in the Court today by the respondent to the petitioner by way of two bank drafts and Rs. two thousand in cash. The petitioner, who is present in the Court undertakes to withdraw all the five complaints filed by him at Bombay. On the said undertaking given by the petitioner, counsel for the respondent states that the respondent may be permitted to withdraw his complaint.

In view of the above amicable settlement arrived at between the parties and in the interest of justice, respondent-Ishwar Chand Grover is permitted to withdraw the complaint (Annexure P-2) , pending in the Court of Judicial Magistrate, Ist Class, Gurgaon and, consequently, all the subsequent proceedings including the summoning order dated 22.4.2006 (Annexure P-1) are hereby ordered to be dropped.

February 13, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**